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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,238	04/10/2006	Nercivan Kerimovska	9342-98	9239
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MYERS BIGEL SIBLEY & SAJOVEC PO BOX 37428 RALEIGH, NC 27627				
			EXAMINER JACKSON, JAKIEDA R	
			ART UNIT 2626	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/539,238	<b>Applicant(s)</b> KERIMOVSKA ET AL.	
	<b>Examiner</b> Jakieda R. Jackson	<b>Art Unit</b> 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7,9-35,37 and 39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7,9-35,37 and 39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. In response to the Office Action mailed May 25, 2007, applicant submitted an amendment filed on July 25, 2007, in which the applicant traversed and requested reconsideration with respect to **claim 1-3, 5, 20 and 39**.

### ***Response to Arguments***

2. Applicants' argue that performing a conversion at a preparation time and/or on-demand does not disclose or suggest performing the conversion at a rate, nor does not the cited portions of Freeland disclose or suggest performing the conversion from the text to speech at a rate that is based on user interaction with the display, such as scrolling and/or voice control. Thus, the cited portions of Freeland fail to disclose or suggest sending displayed data to a speech generating device "at a fixed and/or controllable rate". Applicants' arguments are persuasive but are moot in view of new grounds of rejections.

Applicant further argues that nowhere doe the cited portions of Freeland disclose or suggest a wireless communication device including "a speech generating device". Applicants' arguments are persuasive, but are moot in view of new grounds of rejections.

Applicant also argues that Freeland does not disclose or suggest that the components are in one apparatus. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e. one apparatus) are not recited in the rejected

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claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicants argue that nowhere does Kuwabara disclose or suggest sending text to a speech generating device based on the scrolling at variable speech. In response to applicant's argument that both Kuwabara and the stated motivation relate to advantages provided by variable-speed scrolling for reading by human user, which would not be obvious to use in transmitting text to a speech generating device, the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985). However, Applicants' arguments are moot in view of new grounds of rejections.

### ***Priority***

3. The Examiner has continued throughout prosecution to request certified copies of the foreign priority, however, each of the Applicants' remarks states that the Applicants would be happy to provide certified copies, but they still have not been received after numerous request. Certified copies are requested.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claim 39** is rejected under 35 U.S.C. 102(e) as being anticipated by Ryu (USPN 7,043,436).

Regarding **claim 39**, Freeland discloses a wireless communication device, comprising:

a display configured to display various readable data (figure 2, element 30 with column 3, lines 5-22);

a speaker (figure 2, SP1 with column 3, lines 5-22)

a speech generating device including a conversion circuit therein configured to convert received data to a speech signal and provide the speech signal to the speaker (figure 3 with column 4, lines 9-48); and

a control unit configured to extract at least a part of the displayed data and send the extracted part of the displayed data to the speech generating device (figure 2, element 10 with column 2, line 65 – column 3, line 22).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 1-7, 9-35 and 37** are rejected under 35 U.S.C. 103(a) as being unpatentable over Freeland et al. (WO 01/57851 A1), hereinafter referenced as Freeland in view of Kirby et al. (USPN 6,226,615), hereinafter referenced as Kirby.

Regarding **claim 1**, Freeland discloses an apparatus comprising:

a display configured to display various readable data (displays all ; column 21, lines 1-2); and

a control unit configured to extract at least a part of the displayed data and configured to send the extracted part of the displayed data to a speech generating device that is configured to generate speech from the extracted part of the displayed data (displays all of the supported words; column 21, lines 1-2), but does not specifically teach wherein the speech generating device is attachable to the apparatus, and wherein the control unit is configured to send the extracted part of the displayed data to the speech generating device at a fixed and/controllable rate based on user interaction with the display comprising scrolling and/or voice control input received from a user.

Kirby discloses an apparatus wherein the speech generating device is attachable to the apparatus (speech), and wherein the control unit is configured to send the

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extracted part of the displayed data to the speech generating device at a fixed and/controllable rate (at a rate controlled) based on user interaction with the display comprising scrolling and/or voice control input received from a user (column 2, lines 5-65), for a smooth transition.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Freeland's apparatus wherein the speech generating device is attachable to the apparatus, and wherein the control unit is configured to send the extracted part of the displayed data to the speech generating device at a fixed and/controllable rate based on user interaction with the display comprising scrolling and/or voice control input received from a user, as taught by Kirby, to allow the user to see the next few lines using a smooth transition (column 1, lines 37-41).

Regarding **claims 2 and 21**, Freeland in view of Kirby discloses everything as claimed in claim 1. In addition, Kirby teaches an apparatus displaying a line or word at a time at a fixed and/or controllable rate (column 2, lines 5-65).

Regarding **claims 3 and 22**, Freeland in view of Kirby discloses everything as claimed in claim 1. In addition Kirby discloses an apparatus displaying a line based on scrolling the display (column 2, lines 5-65).

Regarding **claims 4 and 23**, Freeland discloses an apparatus wherein displayed data includes text from menus, text messages (text messages; column 31, lines 26-31 with column 46, lines 27-30), help information, calendars and/or confirmation of actions taken with the apparatus (menu; column 27, lines 14-20).

Regarding **claims 5 and 24**, Freeland in view of Kirby discloses everything as claimed in claim 1. In addition Kirby discloses an apparatus displaying a line or word at a time based on inputting characters to the apparatus (column 2, lines 5-65).

Regarding **claims 6 and 25**, Freeland discloses an apparatus wherein the control unit is configured to send the displayed data responsive to input of definite characters including letters, signs, spaces and/or punctuation (inherent in textual input; column 37, lines 4-8).

Regarding **claims 7 and 26**, Freeland discloses an apparatus wherein the control unit is configured to extract the displayed data from a selected file and automatically send the displayed data to the speech generating device at a fixed and/or controllable rate (automatically download with regular intervals; column 42, lines 12-16 and column 49, lines 20-24 with column 25, lines 25-28).

Regarding **claims 9 and 28**, Freeland discloses an apparatus wherein the data is received as ASCII characters (standard English, such as Americanised English; column 22, lines 22-24 with column 28, lines 6-10).

Regarding **claims 10 and 29**, Freeland discloses an apparatus wherein the speech generating device includes a conversion circuit is configured to support various selectable languages (other languages can be used; column 22, lines 22-24).

Regarding **claims 11 and 30**, Freeland discloses an apparatus wherein the conversion circuit is configured to download languages via the connected apparatus (upload; column 24, lines 5-18 with column 17, lines 8-12).



Regarding **claims 12 and 31**, Freeland discloses an apparatus wherein the speech generating device includes a conversion circuit is configured to support various selectable voices (spoken voices; column 22, lines 22-29).

Regarding **claims 13 and 32**, Freeland discloses an apparatus wherein the conversion circuit is configured to download voices via the connected apparatus (downloading voices; column 40, lines 27-33).

Regarding **claims 14 and 33**, Freeland discloses an apparatus wherein the speech of the speech signal is adjustable (adjust the speed; column 27, lines 22-28).

Regarding **claims 15 and 34**, Freeland discloses an apparatus wherein the speech generating device includes a microcontroller is configured to be connected to a memory device containing language information including various languages, abbreviation list and/or dictionaries (dictionary-based; column 20, lines 20-23).

Regarding **claims 16 and 35**, Freeland discloses an apparatus wherein the speech generating device includes a microcontroller is configured to be connected to a memory device containing voice settings (voice samples; column 22, lines 22-29 with style of message; column 32, lines 1-20).

Regarding **claim 17**, Freeland discloses an apparatus wherein the speech generating device includes a microcontroller is configured to be connected to the apparatus via a system connector having an interface for audio signals (column 22, lines 5-14 with column 28, lines 19-34), serial channels, power leads and/or analog and digital grounds leads.

Regarding **claim 18**, Freeland discloses an apparatus wherein the speech generating device includes a functional cover, comprising a shell covering a front of the apparatus and a microprocessor cooperating with a processor of the apparatus (inherent in a mobile terminal; (press the send button) column 32, lines 5-20).

Regarding **claim 19**, Freeland discloses an apparatus wherein the apparatus comprises a portable telephone (mobile telephone terminal; column 31, line 26 – column 32, line 20), a pager, a communicator and/or an electronic organizer (column 33, lines 30-34 with column 34, lines 13-25).

Regarding **claims 20 and 37**, it is interpreted and rejected for the same reasons as set forth in the combination of claims 1 and 8.

Regarding **claim 27**, Freeland discloses an apparatus wherein the speaker system is integrated with the apparatus (speakers; column 17, lines 16-24).

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jakieda R. Jackson whose telephone number is 571-272-7619. The examiner can normally be reached on Monday, Tuesday and Thursday 7:30 a.m. to 5:00p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 571-272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JJ



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July 30, 2007